

Applicant agrees with the filing date of Simpson pointed out by the examiner. Response B incorrectly associated Hofmann's filing date of February 6, 2003 with Simpson. However, the rejection of claims 1-3, & 9 based upon Hofmann must be withdrawn.

Rejections of claims 3 and 11 based upon Simpson must also be withdrawn pursuant to 35 U.S.C. §103(c). As recognized by the examiner, Simpson only qualifies as prior art under §102(e). Simpson is commonly owned with the present application, however, as both are assigned to the Regents of the University of California. At the time the claimed invention was made it was subject to an assignment to the Regents of the University of California. Such assignment is recorded at Reel 105304, Frame 0411.

As for the §102 rejections based upon Simpson, the examiner in the final office action points to column 5, lines 14-16 for disclosing "highly porous solids". However, claim 1 claims "nanocrystalline silicon" with "pores disposed therein", not merely a "highly porous solid". An aerogel is a low-density solid-state material derived from gel in which the liquid component of the gel has been replaced with gas. The silica aerogel in Simpson is an extremely low density solid and is an insulator. Nanocrystalline silicon is a distinct material having different properties than Silica aerogel, as recognized in the art. It is improper to compare the silica aerogel with the claimed Nanocrystalline silicon. See, e.g., U.S. Patent No. 7,179,717, claim 33, recognizing the conductive properties of nanocrystalline silicon. Silicon aerogel is a distinct material.

For the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite the prosecution.

Respectfully submitted,

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